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Dale v. Grant, 34 N. J. Law 142; *Anthony v. Sluid*, 52 Mass. 290. This principle would seem to be helpful also where the defendant's duty, if any, to the plaintiff depends upon the defendant's performance or non-performance of a contract with a third party. *Pittsfield Cottonwear Mfg. Co. v. Pittsfield Shoe Co.*, 71 N. H. 522. In numerous cases where property was damaged by fire, the owner was denied recovery in tort against the water company for failure to maintain in its pipes the pressure required by contract with the municipality. *Boston Safe-Deposit and Trust Co. v. Salem Water Co.*, 94 Fed. Rep. 238. This view seems sound, since the defendant could not have foreseen this damage as the almost inevitable result of his breach of contract.

THE HISTORY AND THEORY OF THE LAW OF DEFAMATION. — A scholarly and interesting treatise on this subject by Mr. Van Vechten Veeder is begun in 3 Columbia L. Rev. 546 (Dec. 1903). In early times reputation was amply protected by the seignorial and ecclesiastical courts; but with the decay of the former and the discontent with the procedure and remedies of the latter, the writer shows that the growing jurisdiction of the king's courts came to be extended to defamation. Sitting in the "starred chamber," the king's council also exercised a jurisdiction, limited to the aristocracy, over the statutory offense known as *De Scandalis Magnatum*, which was directed at first chiefly against sedition and turbulence, but which by the time of Elizabeth extended to non-political defamation. It was at this time also, says the writer, that the king's courts acquired a considerable bulk of litigation in defamation, and formulated the rules which, though then applied alike to written and oral words, came to be applied exclusively to oral defamation. These rules, really in the form of exceptions to unbridled license of speech, depended either on the nature or substance of the imputation, for example, a charge of crime; or on the consequences of the imputation, that is, special damage. The invention of printing, with its consequent spread of reading and writing, brought new dangers to the absolute monarchy; censorship of the press became part of the royal prerogative. The Star Chamber undertook jurisdiction over this alarming form of scandal. Unfettered by rules, it boldly borrowed from the Roman criminal law, but with important modifications and additions of its own, particularly the fundamental principle that libel is punishable as a crime because it tends to a breach of the peace. After the abolition of the Star Chamber the power of censorship steadily waned, and there grew up in the common law, to restrain non-political, non-criminal libel, the civil doctrine of libel, "that although words 'spoken once' would not be actionable, 'yet they being writ and published' became actionable." The writer examines the reasons usually advanced for the common law distinctions which in time came to be established between libel and slander, and comes to the sound conclusion that "an actionable test may be rationally based upon the character of the publication, perhaps upon the motive with which it was published, but not upon its form."

THE NORTHERN SECURITIES CASE. — Professor Langdell's attack on the Merger decision in 16 HARV. L. REV. 539 has elicited a spirited answer from ex-Governor Chamberlain of South Carolina. *The Northern Securities Case; a Reply to Professor Langdell*, by Daniel H. Chamberlain, 13 Yale L. J. 57. The author is no less outspoken in his approval of the decision than was the article which he attacks in its denunciation. Far from being a thoroughly "iniquitous decree," he pronounces it "a beacon marking a great victory in the struggle of justice" and "absolutely dictated and compelled" by the three previous decisions of the Supreme Court, relied on by the Circuit Court of Appeals, viz., *U. S. v. Trans-Missouri Freight Association*, 166 U. S. 290; *U. S. v. Joint Traffic Association*, 171 U. S. 505; and *Addystone Pipe and Steel Co. v. U. S.*, 175 U. S. 211.